

90<sup>th</sup> Legislative Session – 2015

Committee: House Commerce and Energy

Friday, February 06, 2015

P - Present  
E - Excused  
A - Absent

Roll Call

P Beal  
P Deutsch  
P Harrison  
P Hawley  
P Kirschman  
P Novstrup (Al)  
E Stalzer  
P Wiik  
P Willadsen  
P Wollmann  
P Zikmund  
E Schoenbeck, Vice-Chair  
P Rounds, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Tim Rounds, Chair.

MOTION: TO AMEND THE MINUTES OF FEBRUARY 4, 2015

Moved by: Wiik  
Second by: Willadsen  
Action: Prevailed by voice vote.

MOTION: TO APPROVE THE MINUTES OF FEBRUARY 4, 2015 AS AMENDED

Moved by: Willadsen  
Second by: Beal  
Action: Prevailed by voice vote.

MOTION: TO TABLE HB 1174

Moved by: Wollmann

Second by: Willadsen

Action: Prevailed by roll call vote. (11-0-2-0)

Voting Yes: Beal, Deutsch, Harrison, Hawley, Kirschman, Novstrup (Al), Wiik, Willadsen, Wollmann, Zikmund, Rounds

Excused: Stalzer, Schoenbeck

THE CHAIR DEFERRED HB 1139 UNTIL TO ANOTHER DAY

HB 1105: provide for an affidavit creating a rebuttable presumption that a person is not an employee for purposes of workers' compensation and to provide a penalty therefor.

Presented by: Representative Spencer Hawley (Handouts: #1,2)

Proponents: Larry Deiter, Department of Labor and Regulations

Deb Mortenson, Associated General Contractors Of South Dakota

James Marsh, South Dakota of Labor & Regulation

Shawn Lyons, SD Retailers Association

Myron Rau, Dakota Truck Underwriters/First Dakota Indemnity Company

Jerry Diamond, Independent Insurance Agents Of South Dakota

Drew Duncan, SD Insurance Alliance, Allstate Insurance Company

Opponents: Mark Anderson, South Dakota State Federation Of Labor Afl-Cio

MOTION: AMEND HB 1105

1105fa

On page 1 of the printed bill, delete lines 7 to 12, inclusive, and insert:

"

Any independent contractor who is not an employer or a general contractor and is not covered under a workers' compensation insurance policy may sign an affidavit of exempt status under the South Dakota Workers' Compensation Law. Notwithstanding the provisions of § 62-3-10, the affidavit of exempt status creates a rebuttable presumption that the affiant is not an employee for the purposes of the South Dakota Workers' Compensation Act and the person possessing the affidavit is not liable for a workers' compensation claim made by the affiant or any subcontractor of the affiant."

On page 2, after line 8, insert:

../02061000.HCO

Page 2

"

Section 4. That chapter 62-1 be amended by adding thereto a NEW SECTION to read as follows:

No employer or general contractor is required to accept an affidavit of exempt status as a substitute for a certificate of workers' compensation coverage."

Moved by: Wollmann  
Second by: Willadsen  
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1105 AS AMENDED

Moved by: Willadsen  
Second by: Harrison  
Action: Prevailed by roll call vote. (10-1-2-0)

Voting Yes: Beal, Deutsch, Harrison, Hawley, Novstrup (Al), Wiik, Willadsen, Wollmann, Zikmund, Rounds

Voting No: Kirschman

Excused: Stalzer, Schoenbeck

HB 1094: revise certain provisions regarding the annual minimum wage adjustment.

Presented by: Representative Jim Bolin (Handouts: #3)  
Opponents: Mark Anderson, South Dakota State Federation Of Labor Afl-Cio (Handouts: #4)

MOTION: DO PASS HB 1094

Moved by: Willadsen  
Second by: Novstrup (Al)  
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER HB 1094 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Hawley  
Second by: Kirschman  
Action: Failed by roll call vote. (2-9-2-0)

Voting Yes: Hawley, Kirschman

Voting No: Beal, Deutsch, Harrison, Novstrup (Al), Wiik, Willadsen, Wollmann, Zikmund, Rounds

Excused: Stalzer, Schoenbeck

MOTION: DEFER HB 1094 UNTIL ANOTHER DAY

Moved by: Novstrup (Al)

Second by: Deutsch

Action: Withdrawn.

MOTION: SUBSTITUTE MOTION AMEND HB 1094

1094ya

On page 1, line 6, of the printed bill, overstrike "increase" and insert "change".

On page 1, line 7, overstrike "increase" and insert "change".

On page 1, line 11, overstrike "increase" and insert "change".

On page 1, line 11, overstrike "up".

Moved by: Deutsch

Second by: Willadsen

Action: Prevailed by voice vote.

MOTION: DO PASS HB 1094 AS AMENDED

Moved by: Willadsen

Second by: Wollmann

Action: Prevailed by roll call vote. (7-4-2-0)

Voting Yes: Deutsch, Harrison, Novstrup (Al), Willadsen, Wollmann, Zikmund, Rounds

Voting No: Beal, Hawley, Kirschman, Wiik

Excused: Stalzer, Schoenbeck

MOTION: ADJOURN

Moved by: Willadsen  
Second by: Wiik  
Action: Prevailed by voice vote.

Pam Kean  
Committee Secretary

---

Tim Rounds, Chair